Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.III/6
10 May 1999

ORIGINAL: ENGLISH

Third session
New York, 10 - 21 May 1999

2000 NPT Review Conference

Working paper submitted by the United States of America

I. INTRODUCTION

Article VIII, paragraph 3 of the NPT states that the purpose of NPT Review Conferences is to "review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized."

At the 1995 Review and Extension Conference, the Parties "examined the implementation of article VIII. 3 of the Treaty" and, in their decision on the review process for the Treaty adopted on May 11, 1995, "agreed to strengthen the process."

Among other things, the Strengthened Review Decision decided:

> 4. "The purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference. These include those identified in the Decision on Principles and Objectives for Non-Proliferation and Disarmament. . . . These meetings should also make the procedural preparations for the next Review Conference."
>
> 5. "The Conference also concluded that the present structure of three Main Committees should continue and the question of overlap of issues being discussed in more than one Committee should be resolved in the General Committee. . . ."
>
> 6. "It was also agreed that subsidiary bodies could be established within the respective Main Committees for specific issues relevant to the Treaty, so as to provide for focused consideration of such issues. The establishment of such subsidiary bodies would be recommended by the Preparatory Committee for each Review Conference in relation to the specific objectives of the Review Conference."
>
> 7. "The Conference agreed further that Review Conferences should look forward as well as back. They should evaluate the results of the period they are reviewing, including the implementation of undertakings of the States parties under the Treaty, and identify the areas in which, and the means through which, further progress should be sought in the future. Review Conferences should also address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality."

II. DISCUSSION

Paragraph 7 of the Strengthened Review Decision makes clear that future review conferences should not only conduct a review but should also conduct a forward look. The United States believes that the 2000 Review Conference will have succeeded if it conducts a thorough review and if a constructive discussion of the future aspirations of the parties has occurred. The United States recognizes, as has been the case at all prior review conferences, that the 2000 NPT Review Conference will seek to produce documents that reflect what has occurred. The United States delegation pledges to work actively and constructively to achieve agreed documents. Set forth below are the views of the United States on (1) what documents the conference should seek to produce; (2) how the conference should organize itself to conduct the review and the future look; (3) the use to be made of preparatory committee products; and (4) views on subsidiary bodies.

A. Documents That the 2000 Review Conference Should Seek

The United States believes that the 2000 Review Conference should seek to produce two documents -- one document that is forward looking, and one that reflects the results of the review of the operation of the Treaty over the past five years. Such an approach, the United States believes, is the best way to give full meaning to Article VIII, paragraph 3 of the Treaty, and paragraphs 4 and 7 of the 1995 Decision on Strengthened Review.

B. Organizing The Conference to Conduct the Forward Look and the Review

The strengthened review decision in 1995 leaves unclear how the Conference should be organized to conduct the forward and backward look. It does make clear in paragraph 5 of the Strengthened Review Decision, however, the general satisfaction with the three-committee structure that has been used at past NPT review conferences. Certainly, the United States sees no reason for departing from the three-committee structure.

In 1995, the Conference President assumed the responsibility for ensuring the production of a forward looking document, "Principles and Objectives for Nuclear Non-Proliferation and Disarmament." The Committee Chairmen had the responsibility for producing the review documents, and, as a practical matter, provided ideas and elements, as they emerged from discussions, for inclusion in the Principles and Objectives.

The United States suggests that the 2000 Review Conference should adopt a similar approach. The Conference President should have the responsibility for conducting the forward looking effort and seeking to produce a text that reflects the results of his efforts. This should be based on his consultations with delegations and on input from the three Main Committees. The President should periodically advise the full Conference of his efforts, for example, by convening the plenary in informal session or by calling a meeting of the General Committee. The three Main Committees should conduct a thorough review of all matters within their respective jurisdiction, making the President aware of elements that could usefully be included in the forward looking effort. Prior to formal action, adequate time would be set aside for consideration of the forward-look effort by the Plenary.

/...

This approach is meant to accomplish several things. First, by continuing the role of the Main Committees in identifying issues for the forward look, it ensures the widest possible cross section of views are available to the President. Second, by clearly deciding that the President has responsibility for the forward-looking effort, he can begin his task almost immediately rather than waiting until after the main committees have finished their work. And third, it ensures that all delegations can participate in all aspects of the Conference's work.

C. Use of the Products of Preparatory Committee Meetings

The United States believes that the Third Preparatory Committee, like the two which preceded it, should seek to identify agreed recommendations and compile a list of proposals where agreement has yet to be achieved, essentially building upon the Chairman's text produced by the First and Second Preparatory Committees. All agreed and unagreed recommendations and proposals should be forwarded to the Review Conference. At the Review Conference, the President should draw upon those recommendations or proposals that are appropriate for the look forward and the Chairmen of the Main Committees should utilize those that are within the jurisdiction of their respective committees.

D. Subsidiary Bodies

The United States has made clear that it has no objection to changing the rules of procedure to authorize Main Committees to create "subsidiary bodies" vice "working groups" as stated in the rules used by prior review conferences. The change of name does not imply any change in the status of these subsidiary bodies. First, they would only be created by one of the Main Committees and second they would only meet while the Main Committees are in existence, that is, only for the duration of the Review Conference. The United States delegation would strongly oppose any proposal to have these subordinate bodies meet between Review Conferences. Similarly, the United States has no problem in principle with the concept of the Main Committees establishing subsidiary bodies but only when it has been established that an issue cannot be effectively addressed in Main Committee deliberations.

In addition, there are many ramifications to creating a subsidiary body, which the United States Delegation believes must be considered on a case-by-case basis and which would affect our ability to agree that there is a demonstrable need for the creation of any particular subsidiary body. Among them are:

1. the potential effect on the purpose and effectiveness of the main committees;
2. the need for identifying a chairman;
3. financial implications (documentation, interpretation, etc.);
4. the impact of a multiplicity of meetings on small delegations; and
5 competition among delegations as to whose issues should be addressed in a subsidiary body.